

**DISCLOSURE OF RESEARCH, RESEARCH SPONSORS, AND
INTERESTED PARTIES BY PERSONS CONTRACTING WITH
GOVERNMENTAL ENTITIES AND STATE AGENCIES**

CHAPTER 1024

H.B. No. 1295

AN ACT

**relating to the disclosure of research, research sponsors, and interested parties by
persons contracting with governmental entities and state agencies.**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.954 to read as follows:

Sec. 51.954. DISCLOSURE OF SPONSORS OF RESEARCH IN PUBLIC COMMUNICATIONS. (a) In any public communication the content of which is based on the results of sponsored research, a faculty member or other employee or appointee of an institution of higher education who conducted or participated in conducting the research shall conspicuously disclose the identity of each sponsor of the research.

(b) In this section:

- (1) "Institution of higher education" has the meaning assigned by Section 61.003.*
- (2) "Public communication" means oral or written communication intended for public consumption or distribution, including:*
 - (A) testimony in a public administrative, legislative, regulatory, or judicial proceeding;*
 - (B) printed matter including a magazine, journal, newsletter, newspaper, pamphlet, or report; or*
 - (C) posting of information on a website or similar Internet host for information.*
- (3) "Sponsor" means an entity that contracts for or provides money or materials for research.*
- (4) "Sponsored research" means research:*
 - (A) that is conducted under a contract with or a grant from an individual or entity, other than the institution conducting the research, for the purpose of the research; and*
 - (B) in which payments received or the value of materials received under that contract or grant, or under a combination of more than one such contract or grant, constitutes at least 50 percent of the cost of conducting the research.*

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.955 to read as follows:

Sec. 51.955. PROHIBITED STATE AGENCY ACTIONS RELATED TO DISCLOSURE OF PUBLICLY FUNDED RESEARCH. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) A state agency that expends appropriated funds may not:

- (1) enter into a research contract with an institution of higher education if that contract contains a provision precluding public disclosure of any final data generated or produced in the course of executing the contract unless the agency reasonably determines that the premature disclosure of such data would adversely affect public safety, the protection of intellectual property rights of the institution of higher education, publication rights in professional scientific publications, or valuable confidential information of the institution of higher education or a third party; or*
- (2) adopt a rule that is based on research conducted under a contract entered into with an institution of higher education unless the agency:*
 - (A) has made the results of the research and all data supporting the research publicly available; or*

(B) reasonably determines that the premature disclosure of such data would adversely affect public safety, the protection of intellectual property rights of the institution of higher education, publication rights in professional scientific publications, or valuable confidential information of the institution of higher education or a third party.

(c) Subsection (b)(1) does not apply to a research contract between an institution of higher education and the Cancer Prevention and Research Institute of Texas.

(d) A response to a request for information regarding research described by Subsection (b) must be made in accordance with Chapter 552, Government Code.

(e) This section does not require the public disclosure of personal identifying information or any other information the disclosure of which is otherwise prohibited by law.

SECTION 3. Subchapter Z, Chapter 2252, Government Code, is amended by adding Section 2252.908 to read as follows:

Sec. 2252.908. DISCLOSURE OF INTERESTED PARTIES. (a) In this section:

(1) "Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.

(2) "Governmental entity" means a municipality, county, public school district, or special-purpose district or authority.

(3) "Interested party" means a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.

(4) "State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.

(b) This section applies only to a contract of a governmental entity or state agency that:

(1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or

(2) has a value of at least \$1 million.

(c) Notwithstanding Subsection (b), this section does not apply to:

(1) a sponsored research contract of an institution of higher education;

(2) an interagency contract of a state agency or an institution of higher education; or

(3) a contract related to health and human services if:

(A) the value of the contract cannot be determined at the time the contract is executed; and

(B) any qualified vendor is eligible for the contract.

(d) A governmental entity or state agency may not enter into a contract described by Subsection (b) with a business entity unless the business entity, in accordance with this section and rules adopted under this section, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.

(e) The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission that includes:

(1) a list of each interested party for the contract of which the contracting business entity is aware; and

(2) the signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury.

(f) Not later than the 30th day after the date the governmental entity or state agency receives a disclosure of interested parties required under this section, the governmental entity or state agency shall submit a copy of the disclosure to the Texas Ethics Commission.

(g) *The Texas Ethics Commission shall adopt rules necessary to implement this section, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's Internet website.*

SECTION 4. (a) Not later than December 1, 2015, the Texas Ethics Commission shall adopt the rules, prescribe the disclosure of interested parties form, and post the form on the commission's Internet website as required by Section 2252.908, Government Code, as added by this Act.

(b) Section 2252.908, Government Code, as added by this Act, applies only to a contract entered into on or after January 1, 2016.

SECTION 5. This Act takes effect September 1, 2015.

Passed by the House on May 11, 2015: Yeas 135, Nays 0, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 1295 on May 28, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 1295 on May 31, 2015: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 25, 2015: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 1295 on May 31, 2015: Yeas 30, Nays 1.

Approved June 19, 2015.

Effective September 1, 2015.

**REIMBURSEMENT OF EXPENSES INCURRED BY COURT
REPORTERS IN JUDICIAL DISTRICTS COMPOSED OF MORE
THAN ONE COUNTY**

CHAPTER 1025

H.B. No. 1306

AN ACT

relating to the reimbursement of expenses incurred by court reporters in judicial districts composed of more than one county.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 52.055(b), Government Code, is amended to read as follows:

(b) Travel expenses reimbursed under this section may not exceed *the reasonable mileage rate set by the commissioners court of the respective county of the judicial district for which the expenses were incurred* ~~[25 cents per mile]~~ for the use of private conveyances, traveling the shortest practical route.

SECTION 2. The change in law made by this Act applies to expenses incurred by a court reporter on or after the effective date of this Act. Expenses incurred by a court reporter before the effective date of this Act are governed by the law in effect on the date the expenses were incurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

Passed by the House on May 12, 2015: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate on May 27, 2015: Yeas 31, Nays 0.

Approved June 19, 2015.

Effective September 1, 2015.